

*The C A S E of the Lady ELIZABETH, Eldest Daughter,
and of Langham and HENRY BOOTHE, the two
younger Sons of HENRY late Earl of WARRINGTON.*

*Upon their Petition to the Lords in Parliament, in relation to
their Brother GEORE Earl of WARRINGTON.*

TH E late Earl Henry dying in London, 2. Jan. 1693. and no Will being there found, or any manner of Provision made for his two younger Sons, the said Earl having often declared or intimated, that he had made a Will, the Lady Elizabeth, the only Child of full Age, thinking it her duty, at her Fathers Death, to take care of her younger Brothers, immediately, or soon after desired her Brother the present Earl, to order search to be made for the Will, at Dunham Massey in Cheshire, the usual place of the late Earls Residence.

Within few days after, the present Earl told the said Lady, that one Edmonds his Steward had searched very diligently, but could find no Will.

The said Lady having taken upon her the Guardianship of her younger Brothers, and being well assured that her Father had provided for 'em out of his Estate, which was Considerable, acquainted her Brother the present Earl, that she thought her self obliged to Exhibit a Bill in Chancery against Mr. Edmonds, to discover the truth of the matter upon his Oath; but the present Earl having declared that Mr. Edmonds had solemnly assured him that no Will or Settlement upon the younger Children was to be found, the said Lady being unwilling to begin such a Controversie without due Proof, left off all thought of it, nor had farther communication concerning the Will, till about the 4th. of Nov. 1695. which was near two years after the late Earls Death.

At which time the present Earl, by Letter informed the said Lady, that his Servant Edmonds did about Three Weeks after his Fathers Death find a Paper, purporting a Will, wherein he himself is appointed sole Executor, and that the said Edmonds had given him a Memorial of it, a Copy of which he then sent.

Within few day after which, the said Lady visited the Earl, and desired him to produce the Will, which he promised to do, upon his arrival at London, whither he was then going.

At his coming to Town, being put in mind of his Promise, he at first desired time to consider, because it was of such Consequence to him, declaring that no body had reason to doubt his Justice therein, since he had been so fair to inform that such a Paper had been found.

Yet being some weeks after pressed to produce it, his answer was, that they who thought themselves concerned in it might take their Course.

Upon which the Lady Elizabeth was advised to pray Procefs out of the Prerogative Court of Canterbury, but soon after the Earl was served with a Citation, he went into Cheshire, and by his Proctor prayed a Commission to take his Answer there.

At his coming thither, which was about the beginning of March, the said Lady went to visit him, and urging the performance of his promise, he declared, that he would produce it when he came to Age, which would be the 2. of May: In expectation of which the Lady rested till the 10th of May, when she sent a near Relation to discourse with him about the Will, to whom his answer was, That he could die with a safe Conscience, without producing it; and that it was the weakest action of his Fathers Life.

That Gentleman's Intercession not prevailing, a Person of Honour was pleased to mediate the matter, informing the Earl, that his Sister would be obliged to take some publick Course for the discovering of the Will.

But since that, and all other Applications by a Noble Peer of this Realm, as well as by their Grand-father and others, prove ineffectual: And inferiour Courts dare not award any Procefs against the Earl, tho it is conceived, that his Executorship is in the Nature of a Trust.

Forasmuch as the said younger Sons of the late Earl, who have for these three years been kept by their Relations, are likely to be wholly destitute of any Provision out of their Fathers Estate, contrary to his Intent and Will.

The consideration of their Case is Humbly Submitted to the Goodness and Justice of the Lords Spiritual and Temporal, in Parliament Assembled, for relief in the Premises.